**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929**

**WP(C).No. 14397 of 2007(L)**
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**PETITIONER:**
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**MANAGING COMMITTEE, ALAPPUZHA SOUTH CO-OPERATIVE MILK SOCIETY, KAITHAVANA REPRESENTED BY ITS PRSIDENT V.SURESH KUMARAN, S/O.VASU, ASWATHY NIVAS,KAITHAVANA,SANATHANAPURAM, ALAPPUZHA.**

**BY ADV. SRI.PEARLY JOSE**

**RESPONDENTS: 1**
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**1. STATE OF KERALA REPRESENTED BY SECRETARY, CO-OPERTIVE DEPARTMENT, SECRETRIAT,THIRUVANANTHAPURAM.**

**2. THE DEPUTY DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT, ALAPPUZHA.**

**ADDITIONAL RESPONDENT**

**3. STATE OF KERALA REP.BY SECRETARY DIARY DEVELOPMENT DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM**

**Impleaded vide order dated 12-06-2007 in I.A.No.7368/07**

**BY GOVT. PLEADER SRI.P.N.SANTHOSH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS**

| | |
|---|---|
| **EXT.P1** | **TRUE COPY OF THE LETTER ISSUED BY R2 DTD. 16-10-06** |
| **EXT.P2** | **TRUE COPY OF THE LETTER SENT BY THE PETITIONER TO R2 DTD. 14-11-06** |
| **EXT.P3** | **TRUE COPY OF THE REGISTERED NOTICE ISSUED BY R2 TO THE PETITIONER DTD. 18-1-2007** |
| **EXT.P4** | **TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER BEFORE R2 DTD. 12-2-2007** |
| **EXT.P5** | **TRUE COPY OF THE ORDER ISSUED BY R2 TO THE PETITIONER DTD. 17-4-2007** |
| **EXT.P6** | **TRUE COPY OF THE APPEAL AND STAY PETITION PREFERRED BY THE PETITIONER BEFORE R1 DTD. 30-4-2007** |

**/True Copy/**

**PA to Judge.**

**K.M.JOSEPH, J.**

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**W.P.(C).No. 14397 OF 2007**

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Dated this the 12th day of June, 2007

**JUDGMENT**

Petitioner challenges Ext.P4. Petitioner seeks a direction to pass orders on Ext.P5 which is an appeal pending before the first respondent. Learned counsel for the petitioner submits that the appropriate authority is the additional third respondent. She further submits that Ext.P5 appeal has been filed in time.

2. I heard learned counsel for the petitioner and the learned Government Pleader also.

In such circumstances, I relegate the petitioner to pursue the alternate remedy. The writ petition is disposed of directing the additional third respondent to consider and pass orders on Ext.P5 in accordance with law after hearing the affected parties also within a period of two months from the date of receipt of a copy of this judgment, if the appeal

has been preferred in time. Petitioner has already moved a petition seeking stay. The interim order passed by this court will continue for a period of three weeks. In the meantime, the additional third respondent will pass orders on the application for stay.

**(K.M.JOSEPH, JUDGE)**

sv.